REMARKS

Upon entry of the amendments herein, claims 9-19 are pending in the application. Claims 9 and 12 have been amended; claims 1-8 have been cancelled; and new claims 13-19 have been added. No new matter has been introduced by any of the amendments herein.

The Examiner has leveled a restriction requirement. However, claims 1-8 have not been assigned to a restriction group since they are nonstatutory "use" claims. These claims have been cancelled and 2-8 have been replaced with new, proper method-of-treatment claims 13-19, respectively. The new claims should thus be added to restriction group I.

In response to the requirement, Applicants hereby provisionally elect restriction group II, claims 10-12. Applicants further elect the compound remacemide as the single disclosed species required by the Examiner. All of the claims in group II read on the elected species. These elections are made with traverse.

In the first place, Applicants note that the Examiner has improperly cited U.S. restriction criteria as the basis for asserting that Applicants are claiming patentably distinct inventions. The instant application is the national stage of a

PCT application designating the United States and, accordingly, PCT unity of invention criteria should be applied to an analysis of potential multiple inventions.

Standards for unity of invention are set forth in 37 C.F.R. §1.475(b), which defines five categories of claims that have unity of invention. As appropriate to the instant case, §1.475(b)(2) provides that unity of invention exists where the claims are drawn to a product and a process of use of said product. In the present application, claims 10-12 are drawn to pharmaceutical compositions containing an NMDA receptor antagonist as active agent and claims 9 and 13-19 are drawn to a method of treating irritable bowel syndrome which comprises administering such an active agent.

Furthermore, PCT Rules 13.1 and 13.2 hold that the requirement of unity of invention is fulfilled "when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features." In the present case, the "special technical feature" common to all claims is the discovered property of NMDA receptor antagonists that they are useful in the treatment of irritable bowel syndrome.

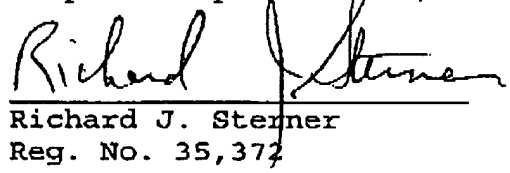
That the present claims conform with the appropriate criteria is borne out by the fact that no issues with regard to

unity of invention were raised during examination in the international stage. The present requirement should be withdrawn and all pending claims, including newly added 13-19, should be considered in this application. Such actions are respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be due in connection with this communication to Deposit Account No. 23-1703.

Dated: February 25, 2005

Respectfully submitted,



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